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C O N F I D E N T I A L GUATEMALA 001056

SIPDIS

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TAGS: PGOV SNAR KCRM PINR MOPS GT

SUBJECT: (C) CONTROVERSIAL PROSECUTOR, OTHERS BEING REMOVED  
ON CICIG'S RECOMMENDATION

REF: A. GUATEMALA 977  
    1B. GUATEMALA 441  
    1C. 07 GUATEMALA 375

Classified By: Ambassador Stephen G. McFarland for reasons 1.4 (b&d).

Summary

11. (C) President Colom is acting on CICIG's advice to remove from the Attorney General's Office senior personnel suspected of corruption or complicity in criminal activity. Six employees tendered their resignations during the week of August 11-15, and a seventh, Chief Homicide Prosecutor Matus, privately said he would soon offer his at the insistence of new Attorney General Velasque. These resignations follow that of Attorney General Juan Luis Florido on July 29. CICIG suspect all seven employees of corruption or complicity in other criminal activity. End Summary.

Departures from AG's Office

12. (U) The week of August 11-15 saw a spate of resignations from the AG's Office, which followed the July 29 resignation of Attorney General Juan Luis Florido (ref a). On August 13, Chief Prosecutor for Organized Crime Luis Donado presented his resignation from the AG's Office. Chief Prosecutor for Administrative Crimes and Corruption Patricia Lainfiesta announced her resignation August 12, saying that her decision had been a personal one and that she had come under no executive branch pressure. She did not mention the International Commission Against Impunity in Guatemala (CICIG), but press speculated that CICIG may have had a role in her removal and that of other AG's Office employees. On August 11, three supervisors who report directly to the Attorney General ("technical coordinators") -- Mario Falla, Hans Noriega, and Guillermo Alonso -- presented their resignations, but as of August 13 they reportedly had not yet left their positions because replacements were still being sought.

Chief Homicide Prosecutor Told to Resign

13. (C) On August 13, Chief Homicide Prosecutor Alvaro Matus told Poloff that he had been asked to resign immediately. Matus said he knew his name had been on a list of employees to be removed that the Presidency gave to new Attorney General Jose Amilcar Velasquez. He believed that CICIG had drawn up the list and given it to President Colom. Recalling that senior Ministry of Government Advisor Victor Rivera had been murdered six days after he was removed from his position (ref b), Matus said he needed the continued protection

afforded by state employment, and asked Attorney General Velasquez to reassign him rather than fire him. Velasquez said he could not do so, but did offer Matus a security detail. Matus complained to Poloff that he thought the security detail would be assigned only for a short period, after which he would be left to fend for himself.

¶4. (C) A CICIG prosecutor told Pol/Econ Couns July 30 that Chief Homicide Prosecutor Matus had been among approximately nine AG's Office employees -- as well as Attorney General Juan Luis Florido -- whom CICIG Commissioner Castresana had recommended to President Colom for removal. Without offering any supporting evidence, our CICIG contact said CICIG is investigating the potential involvement of Matus and and QSenior Ministry of Government Advisor Victor Rivera in the February 2007 murders of three Salvadoran Deputies of the Central American Parliament (PARLACEN), as well as the subsequent murders of four policemen in El Boqueron prison who were suspected of killing the parliamentarians (ref c). CICIG believes Matus and Rivera had been close associates, and may have been involved in criminal enterprises and cover-ups. That being the case, it was clearly inappropriate for Matus to handle the Rivera murder case, for which he continued to have responsibility. (Note: Embassy law enforcement offices have no indication that Matus was involved in the PARLACEN deputies crime, but some question whether he purposefully delayed or derailed efforts to see justice done in the case. The Embassy has received significant cooperation from Matus on a number of cases including the homicide of Amcits.) The CICIG prosecutor said that Castresana had recommended to President Colom that the nine employees be fired simultaneously over a weekend, and

their offices raided for evidence. He was disappointed that this was not done, and opined that an opportunity to impound valuable evidence was therefore missed.

#### Outgoing AG Criticized CICIG

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¶5. (C) During his July 30 press conference, outgoing Attorney General Juan Luis Florido accused CICIG of doing little more than "accompanying" his office's investigators and prosecutors and "asking for copies of case files." He described the overall relationship between the Attorney General's Office (Public Ministry) and CICIG as incipient and weak. Florido noted that CICIG had disapproved of Matus' performance, and had suggested that the sensitive case of the April 7 murder of Victor Rivera be reassigned to another prosecutor. Matus echoed Florido's comments during a conversation with Poloff. He criticized CICIG as being weak and ineffectual, relying too much on rumors, and having a left-leaning political agenda. Matus observed that the new replacements joining the AG's Office appeared to have been hand-picked by prominent Guatemalan human rights activist Helen Mack.

#### Comment

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¶6. (C) President Colom appears to be acting on CICIG's advice to clean house at the Attorney General's Office. Only time will tell if the changes will make the Public Ministry more effective.

McFarland